

Notice of Allowability**Application No.**

10/517,652

Applicant(s)

NEKOVEE ET AL.

Examiner

MINH-CHAU NGUYEN

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/06/08.
2. ☒ The allowed claim(s) is/are 24-36 and 40-43.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/20/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Patrice Winder/
Primary Examiner, Art Unit 2445

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Chris Comuntzis (Reg. No.: 31,097) on 11/20/08. The application has been amended as follows:

Please amend:

Claim 36. (Currently Amended) A tangible computer storage medium [carrying] storing computer readable code representing instructions for causing a computer to perform the method according to the claim 24 when the instructions are executed by the computer.

Claims 37-39. (Canceled)

3. The following is an examiner's statement of reasons for allowance: None of the prior art references teach (alone or in combination) all the limitations together, within the independent claims 24 and 25. For example, the independent claims contain limitations, finding one or more parameter values of a timer function for

use in a receiver to delay feedback in a multicast communication system, which parameter values minimize an expression defined as a function of the parameters, the expression comprising at least two terms, where one term relates to the expected number of feedback messages generated by receivers in the multicast system and the second term relates to the expected extra latency of the feedback due to the timer function; and sending information over the multicast system together with the values of at least one of the found parameter values. Applicants' arguments [filed 10/16/08, pg. 9-13] are considered persuasive to the limitations of this claim over the prior art of record. Examiner agrees that the limitations of the independent claims are allowable subject matter over the prior art, in light of the specification, with providing an improved timer-based method in which the selected functions/algorithms allow a network designer to control the additional latency that is caused by the suppression of the NACKs [Specification, pages 1-3]. Most prior art teaches providing a plurality of receivers with a timer, and a receiver will not send a NACK/ACKs until the timer expires. If the receiver detects that another receiver has sent a NACK/ACK then it will not send a NACK/ACK, regardless of the status of the timer. Therefore, the combination of the limitations, within its environment, is allowable subject matter, in light of the specification and in view of the Applicants' persuasive arguments. The independent claims 24 and 25 (and their dependent claims) are allowable, since the claim language discloses this combination of limitations in accordance with the specification, over the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. Claims 24-36, 40-43 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JASON D. CARDONE can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Patrice Winder/
Primary Examiner, Art Unit 2445

/M. N./
Examiner: Minh-Chau Nguyen, Art Unit 2445